

**IN THE UNITED STATES DISTRICT COURT FOR
THE EASTERN DISTRICT OF VIRGINIA
Alexandria Division**

R. ALEXANDER ACOSTA, SECRETARY
OF LABOR, UNITED STATES
DEPARTMENT OF LABOR,

v.
Plaintiff,

AT HOME PERSONAL CARE SERVICES,
LLC, and ROBIN WRIGHT, Individually,

Defendants.

Civil No.: 1:18-cv-549 (LMB/IDD)

**MOTION TO SANCTION DEFENDANTS FOR FAILING TO COMPLY WITH THE
COURT'S JANUARY 11, 2019 ORDER**

Pursuant to the Court's January 11, 2019 Compel Order and Federal Rule of Civil Procedure ("Rule") 37, Plaintiff R. Alexander Acosta, Secretary of Labor, United States Department of Labor moves this Court to sanction At Home Personal Care LLC and Robin Wright ("Defendants") for their failure and refusal to abide by the Order of this Court to produce certain documents requested in discovery. See ECF Docket No. 32. As of the date of this Motion, Defendants continue to supplement discovery responses "on a rolling basis" in contradiction to this Court's Order to produce all responsive documents by 5:00 p.m. on January 23, 2019. As Defendants failed to comply with an order of this Court and the Federal Rules of Civil Procedure, the Plaintiff has been severely prejudiced by that failure.

WHEREFORE, the Plaintiff respectfully requests this Court sanction Defendants and (1) draw an adverse inference that the documents requested would have shown that Defendants' employees regularly worked over 40 hours each week for which the employees would have been entitled to overtime compensation; (2) preclude them from using, marking and entering into

evidence any exhibits at trial which challenge Plaintiff's Wage and Hour transcription and that employees regularly worked over forty hours each work week; (3) prohibit Defendants, her or her agents from presenting certain defenses and/or claims as the same relates to withheld information; (4) prohibit Defendants from challenging Plaintiff's back wage computations as the same relates to withheld information or untimely produced records; (5) strike out Defendants' pleadings or a part thereof; (6) grant Plaintiff all costs expended, including attorney's fees in order to enforce Plaintiff's right to adequate discovery in this cause; and (7) for such other and further relief as the Court deems mete and proper. In additional support for this Motion, the Plaintiff refers this Court to his accompanying Memorandum.

Respectfully Submitted,

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U.S. DEPARTMENT OF LABOR
Attorneys for Plaintiff

Date: January 25, 2018

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on January 25, 2019, I will electronically file the foregoing with the Clerk of Court using the CM/ECF system which will send notification of such filing to:

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